

REMARKS

Upon entry of the present amendment, claims 1-12 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. In this respect, the amendments are primarily made in order to put the claims into a better format for issuance in a US Patent, without narrowing the scope thereof.

Claim Objections

In paragraphs "2." to "5." of the Office Action, the Examiner sets forth various objections regarding claims 1 and 3-10. In the present amendment, the Examiner's comments have been considered, and claims 1 and 3-10 have been amended to alleviate the Examiner's concerns.

Claim Rejections Under 35 USC § 112

Claims 1-10 have been rejected under 35 USC § 112, second paragraph based upon an allegation of indefiniteness.

Applicants submit that each of the pending claims 1-10 as originally drafted, and as currently amended, fully complies with the provisions of 35 USC § 112, second paragraph. For example,

each of pending claims 1-10 (and claims 11-12) particularly and distinctly set forth the subject matter, which Applicants regard as their invention. The statute requires no more.

Apart from the above considerations, the following is also noted for the Examiner's convenience.

The terms "homogeneous type solid catalyst component" and "homogeneous type solid catalyst" are defined in the present specification, e.g., see page 9, lines 10-14; namely:

(i) the term "homogeneous type solid catalyst component" is a solid catalyst component having a polymerization activity when combining it with a complex catalyst (which is a transition metal catalyst component such as a metallocene and a non-metallocene), wherein said complex catalyst is a so-called homogeneous catalyst, and

(ii) the term "homogeneous type solid catalyst" is a solid catalyst having a polymerization activity when combining it with said complex catalyst.

Claim Rejections Under 35 USC § 103

Claims 1-12 have been rejected under 35 USC § 103(a) as being unpatentable over Yoshioda et al. (US 6,344,528). Additionally, claims 1-4 and 9-12 have been rejected under 35 USC § 103(a) as being unpatentable over Smith (US 6,054,406). Reconsideration and

withdrawal of each of these rejections is respectfully requested based on the following considerations.

The Present Invention

The process of the present invention comprises the step of "removing a fine-powdery component and/or a shapeless component utilizing a difference between their sedimentation velocities in a solvent" (see claim 1). In this respect, attention should be paid to the claimed language of removing a solid substance such as the fine-powdery component and/or the shapeless component, since this is done in order to obtain a solid catalyst component or a solid catalyst that either does not contain, or contains as little as possible, of said fine-powdery component and/or said shapeless component.

Distinctions Over the Cited Art

It is known in the prior art to wash a solid catalyst component by a method comprising the steps of:

- (i) making a suspension under stirring containing the solid catalyst component and a washing solvent,
- (ii) allowing the solid catalyst component to settle, and
- (iii) removing a supernatant liquid, wherein attention is paid so as to "not remove a solid substance", in order to obtain as much

washed solid catalyst component as possible (i.e., in order to obtain as high of a yield as possible).

Additionally, it is noted that the cited Smith US '406 patent discloses a conventional Ziegler-Natta catalyst, which is not within the scope of a catalyst as defined in the present invention.

Accordingly, because the cited prior art references completely fail to disclose or suggest anything about a removing method as recited in the steps of the present invention, wherein one actually washes away the fine-powdery component and/or the shapeless component, it follows that the outstanding rejections for obviousness over such cited art references cannot be sustained.

Moreover, because such references, whether considered singularly or in combination are incapable of motivating one of ordinary skill in the art to arrive at the instant invention as claimed, it also follows that such references are incapable of properly supporting an obviousness rejection of the claims.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-12 are allowed and patentable under the provisions of Title 35 of the United States Code. In this respect, the cited art of Smith and Yoshioda

et al. being relied upon by the USPTO, in no way teaches, discloses or otherwise motivates one of ordinary skill in the art to arrive at the present invention as claimed. Absent such teachings and/or motivation in the cited art, the outstanding prior art rejections are not sustainable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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